

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20272

FRANCIS A. SHARRAK,

Defendant.

**ORDER FOR PSYCHIATRIC OR
PSYCHOLOGICAL EXAMINATION OF DEFENDANT**

This matter coming before the Court based upon the written motion of Advisory Counsel Margaret Sind Raben, as adopted by and endorsed by Defendant Francis A. Sharraak in open court, the Court finds for the reasons stated in the motion that there is reasonable cause to believe that Defendant Sharraak may presently be suffering from a mental disease or defect rendering him mentally incompetent to assist properly in his defense. Accordingly, pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. §§ 4241-4247, it is hereby ordered:

that a psychiatrist or psychologist employed by the United States be appointed, authorized, and directed to examine the mental condition of Defendant Francis A. Sharraak, see *id.* §§ 4241(a),(b), 4247(b);

that Defendant Sharraak be committed to the custody of the Attorney General for such psychiatric or psychological examination for a period not to exceed 30 days, see *id.* § 4247(b);

that the U.S. Marshals Service transport defendant to and from a "suitable facility," see *id.* § 4247(a),(b);

that the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) the defendant's history and

present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, see 18 U.S.C. §§ 4241(b), 4247(c);

that the examiner promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the government, see *id.* § 4247(c); and

that the period beginning with the filing of the written motion of defendant's advisory counsel on January 3, 2011 and ending with the conclusion of the competency hearing, see *id.* §§ 4241(c), 4247(d), which will take place after the Court and parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (h)(1)(A), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(J).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 11, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522